IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF AUGUSY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.17945 OF 2007

Between:

Konchada Kamesham and Company, Kanchili,
Represented by its Proprietor Konchada
Venkata Ramana Rao, Srikakulam Dist.

.... PETITIONER

AND

The Commissioner of Civil Supplies,
Erramanil, Hyderabad, and others.

....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.17945 OF 2007

O R D E R

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The petitioner herein is a kerosene wholesale dealer holding Form-B licence under A.P. Petroleum Products (L & RS) Order, 1980. By order dated 11.06.2007 passed by the 2nd respondent – Joint Collector, the Form-B licence of the petitioner was temporarily suspended pending enquiry. On the same day, a show-cause notice was issued calling upon the petitioner to show cause as to why its licence should not be cancelled alleging that the petitioner was indulging in diversion of the kerosene to black market. Aggrieved by the order of suspension dated 11.06.2007, the petitioner preferred an appeal before the first respondent – Commissioner of Civil Supplies along with an application for stay. The first respondent having entertained the appeal, by order dated 24.07.2007 dismissed the petitioner's application for stay. Challenging the same, the present writ petition has been filed.

Heard the learned counsel for the petitioner and perused the material on record. The learned Government Pleader who accepted notice for the respondents, under instructions, stated that since the petitioner has already submitted his explanation, the enquiry would be concluded expeditiously.

The correctness of the allegations in the show cause notice being the subject matter of enquiry pending before the second respondent it is neither proper nor necessary for this Court to express any opinion on merits at this

stage. The power exercised by the second respondent under Clause-28 (2) of the Control Order in suspending the petitioner's licence in public interest cannot be held to be arbitrary or illegal warranting interference by this Court under Article 226 of the Constitution of India.

In the circumstances, though I am not inclined to interfere with the impugned order, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry itself as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

29TH AUGUST, 2007

PGS

THE HON'BLE MS JUSTICE
G.ROHINI

WRIT PETITION NO.17945 OF 2007

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29TH AUGUST, 2007